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In re Application of	:	DECISION ON
SKRYABIN et al	:	
PCT No.: PCT/AU2004/001768	:	
Application No: 10/583,121	:	
Int. Filing Date: 17 December 2004	:	RENEWED PETITION
Priority Date: 18 December 2003	:	
Attorney's Docket No.: GRIHAC P48AUS	:	
For: METHOD FOR...	:	
NANO-PARTICULATE LAYERS	:	UNDER 37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(a) AND REQUEST FOR ONE (1) MONTH EXTENSION OF TERM" filed on 15 October 2007.

BACKGROUND

In a decision from this Office on 11 June 2007, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that the petition did not include sufficient factual proof that Dr. Skryabin refused to sign the required papers.

On 15 October 2007, applicant submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 11 June 2007 with respect to accepting the above application without the signature of nonsigning inventor Dr. Skryabin. Filed with the renewed petition is a declaration by Mr. Bujold explaining the disagreements and that copy of the application papers of 10/583,121 were sent to Dr. Skryabin and that he has refused to sign those papers.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 15 October 2007 has satisfied the items under 37 CFR 1.47(a).

Mr. Bujold's averments do sufficiently demonstrate that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor, Dr. Skryabin for his signature as stipulated under MPEP 409.03(d). Mr. Bujold has also explained the disagreement between Dr. Skrybin and Dyesol LTD. The conduct of Dr. Skrybin is interpreted as a refusal to sign the required papers. Consequently, the current record does sufficiently establish that Dr. Skryabin refusal to join in the application because petitioner has shown a *bona fide* attempt was made to deliver the complete application to him and that he refused to sign the required papers.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c) date of **19 March 2007**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.


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